



U.S. Department
of Transportation
**Research and
Special Programs
Administration**

JUL 17

400 Seventh Street, S.W.
Washington, D.C. 20590

DOT-E 10885
(FOURTH REVISION)

EXPIRATION DATE: April 30, 2000

(FOR RENEWAL, SEE 49 CFR SECTION 107.109)

1. **GRANTEE:** Department of Energy
Washington, DC

(See Appendix A to this document for a list of additional grantees and expiration dates)

2. **PURPOSE AND LIMITATION:** This exemption authorizes the transportation in commerce of certain explosives that exceeded the quantity limitation or are forbidden for transportation by air. This exemption provides no relief from any regulation other than as specifically stated herein.
3. **REGULATORY SYSTEM AFFECTED:** 49 CFR Parts 106, 107 and 171-180.
4. **REGULATIONS FROM WHICH EXEMPTED:** 49 CFR 172.101 Column 9(B), 172.204(c)(3), 173.27 (b)(2) and (3), 173.27 (f) Table 2, 173.56(d) and (e), 175.30(a)(1), and 175.320(a).
5. **BASIS:** This exemption is based on the application of Department of Energy dated February 27, 1998, submitted in accordance with 49 CFR 107.109.
6. **HAZARDOUS MATERIALS (49 CFR 172.101):**

Hazardous materials description -- proper shipping name	Hazard Class/ Division	Identi- fication Number	Packing Group
Division 1 explosives under specific commodity name or generic description, as appropriate	As appropri ate	As appropri ate	As appropri ate

7. PACKAGING AND SAFETY CONTROL MEASURES:

a. PACKAGING - The explosives must be classified, packaged, marked and labeled in accordance with the Hazardous Materials Regulations (49 CFR Parts 170-180) and/or the appropriate International Civil Aviation Organization's (ICAO) Technical Instructions.

b. OPERATIONAL CONTROLS -

1. The explosives will be transported aboard aircraft which are owned by the Department of Energy (DOE) but operated by Ross Aviation Incorporated's personnel under contract with the DOE.

2. Explosives carried under the terms of this exemption must be authorized to be transported by common carrier by highway under 49 CFR Parts 100 through 178.

3. Shipment of the explosives must comply with the hazardous materials procedures from DOE Albuquerque Field Office's Aviation Operations Manual and Ross's General Safety Manual which establishes its policy to conduct operations in a manner that protects the health and safety of employees, contractors, and the environment. In addition, a full-time DOE Aviation Safety Inspector, possessing qualifications parallel to those of an FAA Aviation Safety Inspector, is located at the Albuquerque Field Office and conducts surveillance of daily operations. DOE Headquarters must also conduct periodic inspections and review programs relating to Ross's Safety Program.

4. Maximum weight. Not more than 2,000 pounds total net weight of explosives may be carried in the aircraft.

5. Authorized persons aboard aircraft. No person other than a required flight crewmember, an FAA or DOE inspector, the shipper or consignee of the material or a representative of the shipper or consignee so designated in writing, or person necessary for handling the material may be carried on the aircraft.

6. Advance permission from airport. The operator of the aircraft must have advance permission from the owner or operator of each manned airport where the material is to be loaded or unloaded or where the aircraft is to land while the materials are on board. When the destination is changed after departure because

of weather or other unforeseen circumstances, permission from the owner or operator of the alternate airport shall be obtained as soon as practicable.

7. Flight plan. The operator of the aircraft shall include the following information in the "Remarks" section of each flight plan when the provisions of this exemption are exercised:

(i) The classification of each hazardous material aboard the aircraft.

(ii) The net weight of each class of hazardous material aboard the aircraft.

8. Loading and unloading. Loading and unloading operations under this exemption shall comply with the following:

(i) The loading and unloading of the aircraft shall be conducted at a safe distance from heavily populated areas and from any place of human abode or assembly. However, at an airport where the airport owner or operator or authorized representative thereof has designated a specific location for loading or unloading, the explosives may not be loaded or unloaded at any other location.

(ii) The explosives shall be loaded, transported or stored as provided in 49 CFR 177.848 except that blasting caps (with or without fuses), including electric blasting caps, may not be loaded and carried in the same aircraft with any other Division 1.1 or 1.2 explosive.

(iii) The loading arrangement to be used aboard the aircraft must be prepared by the DOE.

(iv) During loading or unloading, no person may smoke, carry a lighted cigarette, cigar or pipe, or operate any devices capable of causing an open flame or spark within 50 feet of the aircraft.

(v) No fueling operations of the aircraft may be done during loading and unloading of the explosives.

9. Requirements during operation of aircraft.

Operation of the aircraft during takeoff, en route, and landing must be conducted at a safe distance from heavily populated areas.

(i) Before movement of the aircraft prior to take-off, the pilot of the aircraft shall notify the control tower of the class(es) of explosive(s) (including ammunition) on board.

(ii) The pilot of the aircraft, prior to entering an airport traffic area, shall notify the control tower of the amount and class of explosives on board and request this information be relayed to the appropriate airport officials. For airports without control towers, this call shall be made to the Flight Service Station nearest the airport of intended landing.

(iii) When under radar control during the approach and landing phase, the pilot shall request appropriate vectors so as to avoid heavily populated areas.

(iv) Whenever explosives are on board the aircraft, the pilot shall ensure that no person on the aircraft may smoke, or operate any device capable of causing an open flame or spark.

10. Pilot requirements. The operator of the aircraft shall ensure the following with respect to pilots of aircraft operating under this exemption:

(i) A minimum of two pilots is required aboard any multi-engine aircraft carrying explosives under this exemption.

(ii) Each pilot of the aircraft must be provided written instructions stating the conditions and limitations of the operations being conducted and the name of the official(s) granting the advance permission required by paragraph (g) above except when a landing permit has been granted by an agency of the Department of Defense for landing at a military installation.

(iii) Each pilot of an aircraft being operated under this exemption must have received formal training on the requirements of 49 CFR Parts 170-178 that are applicable to his duties and be thoroughly familiar with the specific requirements of this exemption.

11. Attendance of explosives. Division 1.1, 1.2 and 1.3 explosives must be attended at all times that they are in the possession of the operator (from the time of receipt from the consignor until time of receipt by the consignee) unless placed in an explosive storage magazine that is approved by the Federal, State or local authority or at a location on a military installation designated by appropriate military authorities.

8. SPECIAL PROVISIONS:

a. MARKING - The explosives must be classified, packaged, marked and labeled in accordance with the Hazardous Materials Regulations (49 CFR Parts 170-180) and/or the appropriate International Civil Aviation Organization's (ICAO) Technical Instructions.

b. This exemption authorizes transportation of explosives in aircraft of United States registry. It does not grant authority to use foreign controlled airspace or airports outside the United States.

9. MODES OF TRANSPORTATION AUTHORIZED: Cargo aircraft only.

10. MODAL REQUIREMENTS:

A copy of this exemption must be carried aboard each cargo aircraft used to transport packages covered by this exemption. The shipper shall furnish a copy of this exemption to the air carrier before or at the time the shipment is tendered.

11. COMPLIANCE: Failure by a person to comply with any of the following may result in suspension or revocation of this exemption and penalties prescribed by the Federal hazardous materials transportation law, 49 U.S.C. Section 5101 et seq:

- o All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, 49 CFR Parts 171-180.

- o Registration required by 49 CFR 107.601 et seq., when applicable.

Each "Hazmat employee", as defined in 49 CFR 171.8, who performs a function subject to this exemption must receive training on the requirements and conditions of this exemption in addition to the training required by 49 CFR 172.700 through 172.704.

No person may use or apply this exemption, including display of its number, when the exemption has expired or is otherwise no longer in effect.

12. REPORTING REQUIREMENTS: The carrier is required to report any incident involving loss of packaging contents or packaging failure to the Associate Administrator for Hazardous Materials Safety (AAHMS) as soon as practicable. (49 CFR 171.15 and 171.16 apply to any activity undertaken under the authority of this exemption.) In addition, the holder(s) of this exemption must inform the AAHMS, in writing, of any incident involving the package and shipments made under the terms of this exemption.

Issued at Washington, D.C.:

JUL 17 1988



Alan I. Roberts
Associate Administrator
for Hazardous Materials Safety

(DATE)

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Research and Special Programs Administration, Department of Transportation, Washington, D.C. 20590.
Attention: DHM-31.

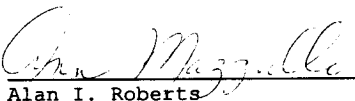
The original of this exemption is on file at the above office. Photo reproductions and legible reductions of this exemption are permitted. Any alteration of this exemption is prohibited.

Dist: FAA
PO: sln/KFW

APPENDIX A

The following are hereby granted party status to this exemption based on their application(s) submitted in accordance with 49 CFR 107.107 and the public proceeding thereon or 107.109, as appropriate:

Company Name City/State	Application Date	Expiration Date	Issue Date
Allied Signal Inc. Morristown, NJ	3/20/98	4/30/2000	JUL 17 1998
Sandia National Laboratory Livermore, CA	9/8/97	4/30/2000	JUL 17 1998
Bechtel Jacobs Co., LLC Oak Ridge, TN	5/27/98	4/30/2000	JUL 17 1998
Los Alamos National Laboratory, Los Alamos, NM	5/27/98	4/30/2000	JUL 17 1998


Alan I. Roberts
Associate Administrator for
Hazardous Materials Safety